

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27(a))-SMALL BUSINESS CONCERN

DOCKET NUMBER: 2732.1047-010

Applicant or Patentee: Gary R. Ostroff and Gordon D. Ross (deceased)  
Application or Patent No.: 10/526,175  
Filed or Issued: February 28, 2005  
Title: Cancer Therapy Using Whole Glucan Particles and Antibodies

I hereby state that I am

- ☐ the owner of the small business concern identified below;  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Biopolymer Engineering  
ADDRESS OF SMALL BUSINESS CONCERN 3388 Mike Collins Drive  
Eagan, Minnesota 55121

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416 or you may call 202-205-6618.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each person, concern or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Each additional person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern, or organization is listed below.

University of Louisville Research Foundation, Inc.  
2301 S. Third Street  
Louisville, Kentucky 40208

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

NAME OF PERSON SIGNING Steven J. Karel

TITLE OF PERSON IF OTHER THAN OWNER Chief Technology and Operating Officer

ADDRESS OF PERSON SIGNING Biopolymer Engineering, 3388 Mike Collins Drive, Eagan, Minnesota 55121

SIGNATURE  DATE 5/27/05

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27(a))-NONPROFIT ORGANIZATION**

**DOCKET NUMBER: 2732.1047-010**

Applicant: Gary R. Ostroff and Gordon D. Ross (deceased)

Application No.: 10/526,175

International Filing Date: September 4, 2003

Title: CANCER THERAPY USING WHOLE GLUCAN PARTICLES AND ANTIBODIES

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION University of Louisville Research Foundation, Inc.

ADDRESS OF NONPROFIT ORGANIZATION 2301 S. Third Street

Louisville, Kentucky 40208

**TYPE OF NONPROFIT ORGANIZATION:**

☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))

☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA

(NAME OF STATE \_\_\_\_\_)

(CITATION OF STATUTE \_\_\_\_\_)

☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA

☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

(NAME OF STATE \_\_\_\_\_)

(CITATION OF STATUTE \_\_\_\_\_)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

☐ the specification filed herewith with title as listed above.

☒ the application identified above.

☐ the patent identified above.

I hereby state that the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

Each additional person, concern, or organization having any rights in the invention is listed below:

☐ no such person, concern, or organization exists.

☒ each such person, concern, or organization is listed below.

Biopolymer Engineering  
3388 Mike Collins Drive  
Eagan, Minnesota 55121

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

NAME OF PERSON SIGNING James R. Zanewicz, J.D.

TITLE IN ORGANIZATION OF PERSON SIGNING Director

ADDRESS OF PERSON SIGNING 20 E. Jefferson St. Suite 215, Louisville Ky 40202

SIGNATURE [Signature] DATE 7/7/05

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[ ] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

CANCER THERAPY USING WHOLE GLUCAN PARTICLES AND ANTIBODIES

the specification of which (check one)

[ ] is attached hereto.

[ ] was filed on [ ] as United States Application Number [ ].

[X] was filed on September 4, 2003 as PCT International Application No. PCT/US03/27841 and assigned United States Application No. 10/526,175.

[ ] and was amended on [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby expressly authorize the filing of an International Patent Application under the Patent Cooperation Treaty which corresponds to and claims the priority of the above-identified application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

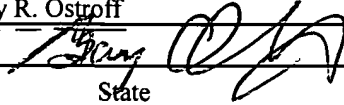
<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed? YES NO	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole  
or first inventor

Gary R. Ostroff

Inventor's Signature



Residence: City

State

Country

Citizenship

Worcester, MA	Massachusetts	USA	USA
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Mailing Address (Business or Residential)

Street or P.O. Box 301 Bridle Path

City	State	ZIP	Country
Worcester	Massachusetts	01604	USA

Full name of second  
joint inventor, if any

Gordon D. Ross (deceased)

Legal Representative

Trunetta Jo Dockter Ross

Legal Representative's  
Signature for Inventor

Residence: City

State

Country

Citizenship

Prospect	Kentucky	USA	USA
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Mailing Address (Business or Residential)

Street or P.O. Box 11739 Paramount Way

City	State	ZIP	Country
Prospect	Kentucky	40059	USA

@PFDesktop\ODMA\MHODMA\HBSR05;iManage;542181;1

Customer N<sup>o</sup> 021005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[ ] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

CANCER THERAPY USING WHOLE GLUCAN PARTICLES AND ANTIBODIES

the specification of which (check one)

[ ] is attached hereto.

[ ] was filed on [ ] as United States Application Number [ ].

[X] was filed on September 4, 2003 as PCT International Application No. PCT/US03/27841 and assigned United States Application No. 10/526,175.

[ ] and was amended on [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby expressly authorize the filing of an International Patent Application under the Patent Cooperation Treaty which corresponds to and claims the priority of the above-identified application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole  
or first inventor

Gary R. Ostroff

Inventor's Signature

Residence: City

State

Country

Citizenship

Worcester	Massachusetts	USA	USA
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Mailing Address (Business or Residential)

Street or P.O. Box

301 Bridle Path

City	State	ZIP	Country
Worcester	Massachusetts	01604	USA

Full name of **second**  
joint inventor, if any

Gordon D. Ross (deceased)

Legal Representative

Trunetta Jo Dockter Ross

Legal Representative's  
Signature for Inventor

*Trunetta Jo Dockter Ross*

Residence: City

State

Country

Citizenship

Prospect KY	Kentucky	USA	USA
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Mailing Address (Business or Residential)

Street or P.O. Box

11739 Paramount Way

City	State	ZIP	Country
Prospect	Kentucky	40059	USA